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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/504,821	08/17/2004	Yasumi Takase	Q82677	2037

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EXAMINER	
AHMED, MASUD	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
10/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/504,821	TAKASE ET AL.	
	Examiner	Art Unit	
	MASUD AHMED	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1 and 6-9 and added new claims 10-15 to be examined. Examiner has considered the amendment to the claims very carefully and examined the newly added claims accordingly.

Claim Objections

1. Claims 1 and 6-9 are objected to because of the following informalities: These claims seem to have machine translated foreign language and at its best very difficult to understand. For example, the limitations such as primary play candidate data or secondary candidate data seem to be very vague of exactly what applicant referring to. It is respectfully requested to clarify the claim language for the better prosecution on merit of this application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 6-9 recites the limitation "*primary play candidate data name selection means for user selection of one or a plurality of game data names from secondary play candidate data stored in the secondary play candidate data storage means as one or a plurality of primary play candidate names*" in the body

of the claim. There is insufficient antecedent basis for this limitation in the claim. It is respectfully requested to clarify the claim language to better recite the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamper et al (US 6820265), in view of Toyama et al (US 20010034267).

Regarding claims 1-4, 6-10 and 13 ,Stamper teaches storing game data into the storage device as being RAM, ROM, flash memory or digital video drive (see col 3, lines 25-28).

Stamper also discloses sharing data between two programs or players and the data being primary data or secondary data that stored in the storage device that are identified by flags or names and these data can interchangeably be accessed and be stored in order of high frequency or mostly used data (see col 3, lines 64-67 and col 4, lines 54-58).

Stamper further teaches the acquiring of the game data from the memory and whether the stored data is player target data to the player or not and control the game software using the saved data in the memory (see col 5, lines 4-17).

Stamper's teachings include memory 16 as being NV-RAM or non-volatile random access memory which is not lost in power failure issue (see col 5, lines 57-63).

Stamper discloses how players can swap programs and choosing the game data primary or secondary to play as the target data and how they can remove or delete data using the system and also how they can distribute or share the game data between various game units using network or internet by giving example of a scenario (see col 3, lines 34-57, col 7, lines 35-67 and col 8, lines 1-57). However Stamper is silent specifically disclosing player names and graphics information associated with the player game data for the better retrieval of the game data. Toyama teaches a video game system where player can create game data and associate the game data with the player name and graphical information for the easy retrieval of the data at a later time (FIG 14-16 and Abstract), a priority data is merely a customization feature or an added design choice how the data will be displayed on the screen to retrieve. Therefore it would have been obvious to ordinary skilled artisan at the time of invention to include Toyama's name associated graphical icon to Stamper's flagged data to give player better game data retrieval option.

Regarding claims 11-12 and 14-15, Stamper discloses sharing data between two programs or players and the data being primary data or secondary data that stored in the storage device that are identified by flags or names and these data can interchangeably be accessed and be stored in order of high frequency or mostly used data (see col 3, lines 64-67 and col 4, lines 54-58). However Stamper is silent

specifically disclosing player names and graphics information associated with the player game data for the better retrieval of the game data. Toyama teaches a video game system where player can create game data and associate the game data with the player name and graphical information for the easy retrieval of the data at a later time (FIG 14-16 and Abstract), a priority data is merely a customization feature or an added design choice how the data will be displayed on the screen to retrieve. Therefore it would have been obvious to ordinary skilled artisan at the time of invention to include Toyama's name associated graphical icon to Stamper's flagged data to give player better game data retrieval option.

It is respectfully suggested that applicant should review the entire prior art of record very closely to distinguish the applicant's invention supported by the applicant's disclosure and to better recite the claims.

Response to Arguments

1. Applicant's arguments filed 7/17/2008 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant at least for the following reasons:

In response to applicant's argument on " Applicant's invention provide for easy identification and selection of frequently used data from a selection list even when a large number of named game-related data files have been saved", examiner respectfully seek applicant's attention to the argument where "easy identification" is mentioned but applicant did not present in any clear or specific language in the

argument or in the claims how or where the easy identification of game data is being conducted. Below is the direct quotation of applicant's admission of prior art disclosure and it reads various game data can be saved and viewed in a list by a player and they can obtain the desired saved data from the list.

BACKGROUND ART

"*It is possible to increase the level of interest in a game by enabling a player to make their own data (game data) to be used in a game or to obtain game data from another disc or via a network. For example, it is well known that a player can make their own step data in dance games where a player acts out steps according to step instructions displayed on a screen based on step data. In this kind of game,* ***it is typical for game data made by a player to be capable of being stored on a non-volatile storage device such as a memory card or hard disc storage device etc. It is therefore possible from the next time the player plays the game onwards for the player to play the game based on game data that they themselves have made by selecting game data for the game to be played from game data stored in the non-volatile storage device.***

However, it is the nature of this kind of game data that players tend to collect such game data, and ***situations where players do not erase the game data they have made themselves but simply keep the data are common. There are therefore cases where the number of items of game data is increased while game data having a large volume is displayed on a game data selection screen.*** "

In response to applicant's argument on" data being automatically saved and retrieved by a player", examiner disagrees with the argument because data being saved automatically or manually does not at this point distinguish the differences in invention, besides Stamper clearly teaches as acknowledged by the applicant, data being saved and retrieved by the player. Data of Stamper can be primary or secondary player data which would not make any distinction as claimed.

Further examiner has cited an additional reference where Toyama discloses video game data being saved by player's name and graphical character for the easy retrieval at a later time. See Toyama (FIG 14-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./

Examiner, Art Unit 3714

/John M Hotaling II/

Supervisory Patent Examiner, Art Unit 3714